

HOUSE BILL 1276

R3

11r2886

By: Delegates Vallario, Alston, Anderson, Arora, Barnes, Carter, Clippinger, Cluster, Conaway, Dumais, Dwyer, Hough, Howard, Ivey, K. Kelly, Lee, McComas, McDermott, Mitchell, Niemann, Oaks, Parrott, Rosenberg, Simmons, Smigiel, Summers, Valderrama, Valentino-Smith, Vaughn, Waldstreicher, ~~Barkley, Frank, Frick, Hixson, Hucker, Kach, Kaiser, A. Kelly, Krebs, Luedtke, A. Miller, Mizeur, Ready, Reznik, Sophocleus, Stein, and Wilson~~ Wilson, Eckardt, Afzali, George, Haddaway-Riccio, McMillan, W. Miller, and Stocksdale

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 21, 2011

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Expansion of Ignition Interlock System Program**

3 FOR the purpose of expanding participation in the Ignition Interlock System Program
4 by authorizing certain individuals who have committed a certain
5 alcohol-related administrative offense to be participants under certain
6 circumstances; requiring the Motor Vehicle Administration to establish the
7 Program in accordance with certain statutory provisions; requiring rather than
8 authorizing the Administration to establish a certain protocol; expanding
9 participation in the Program by requiring certain individuals to participate in
10 the Program for certain periods of time and successfully complete the Program
11 as a condition of modification of a license suspension or revocation and issuance
12 of a restrictive license; requiring the Administration to impose a certain license
13 restriction for certain periods of time under certain circumstances; requiring the
14 Administration to suspend for certain periods of time ~~or revoke~~ the licenses of
15 certain individuals who refuse to participate in or fail to successfully complete
16 the Program; providing for reconsideration of entry in the Program under
17 certain circumstances; requiring the Administration to establish a certain fee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 requiring individuals in the Program to be monitored by the Administration and
 2 to pay a certain fee under certain circumstances; requiring certain service
 3 providers to demonstrate a certain ability under certain circumstances;
 4 providing that certain Program participation under this Act shall be concurrent
 5 with Program participation under any other provision of the Maryland Vehicle
 6 Law; providing that an individual who is removed from the Program may
 7 reenter the Program under certain circumstances; establishing a criminal
 8 prohibition of a participant in the Program driving a vehicle without an ignition
 9 interlock system; providing for certain penalties; providing for certain
 10 administrative procedures; establishing that certain information provided to the
 11 Administration is sufficient for the Administration to exercise its authority to
 12 allow a participant in the Program to operate a motor vehicle owned or provided
 13 by the person's employer in the course of employment without an ignition
 14 interlock system under certain circumstances; clarifying language; ~~defining~~
 15 ~~certain terms~~; and generally relating to the Ignition Interlock System Program.

16 BY renumbering

17 Article – Transportation
 18 Section 16–205.1(o)
 19 to be Section 16–205.1(q)
 20 Annotated Code of Maryland
 21 (2009 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Transportation
 24 Section 16–113(b)(1) and (4), 16–205(f)(1), 16–404(c)(3), 21–902(a)(1) and (2) and
 25 (b)(1), and 27–107(b)
 26 Annotated Code of Maryland
 27 (2009 Replacement Volume and 2010 Supplement)

28 BY repealing

29 Article – Transportation
 30 Section 16–205.1(n)
 31 Annotated Code of Maryland
 32 (2009 Replacement Volume and 2010 Supplement)

33 BY adding to

34 Article – Transportation
 35 Section 16–113(k) and 16–205.1(n), (o), and (p)
 36 Annotated Code of Maryland
 37 (2009 Replacement Volume and 2010 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – Transportation
 40 Section 16–205.1(b)(3)(viii)3., 16–404(c)(2), 16–404.1, 27–101(h), and
 41 27–107(g)(2)
 42 Annotated Code of Maryland

1 (2009 Replacement Volume and 2010 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That Section(s) 16–205.1(o) of Article – Transportation of the Annotated
4 Code of Maryland be renumbered to be Section(s) 16–205.1(q).

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article – Transportation**

8 16–113.

9 (b) (1) Notwithstanding the licensee’s driving record, the Administration
10 shall impose on each licensee under the age of 21 years an alcohol restriction that
11 prohibits the licensee from driving or attempting to drive a motor vehicle while having
12 alcohol in the licensee’s blood.

13 (4) An individual under the age of 21 years who is convicted of a
14 violation of § 21–902(a), (b), or (c) of this article may be required, for a period of not
15 more than 3 years, to participate in the Ignition Interlock System Program in order to
16 retain the individual’s driver’s license.

17 **(K) A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM**
18 **UNDER § 16–404.1 OF THIS TITLE MAY NOT DRIVE OR ATTEMPT TO DRIVE A**
19 **VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IN**
20 **VIOLATION OF AN IGNITION INTERLOCK SYSTEM RESTRICTION ON A LICENSE**
21 **ISSUED TO THE PARTICIPANT.**

22 16–205.

23 (f) (1) Subject to paragraph (2) of this subsection, the Administration
24 may modify any suspension under this section or any suspension under § 16–205.1 of
25 this subtitle and issue a restrictive license to a licensee who participates in the
26 Ignition Interlock System Program established under § 16–404.1 of this title.

27 16–205.1.

28 (b) (3) If the person refuses to take the test or takes a test which results
29 in an alcohol concentration of 0.08 or more at the time of testing, the police officer
30 shall:

31 (viii) Within 72 hours after the issuance of the order of
32 suspension, send any confiscated driver’s license, copy of the suspension order, and a
33 sworn statement to the Administration, that states:

1 3. The person was fully advised of the administrative
2 sanctions that shall be imposed, including the fact that a person who refuses to take
3 the test or takes a test that indicates an alcohol concentration of 0.15 or more at the
4 time of testing is ineligible for modification of a suspension or issuance of a restrictive
5 license under subsection [(n)(1) or (2)] (O) of this section.

6 [(n) (1) The Administration may modify a suspension under this section or
7 issue a restrictive license if:

8 (i) The licensee did not refuse to take a test;

9 (ii) The licensee has not had a license suspended under this
10 section during the past 5 years;

11 (iii) The licensee has not been convicted under § 21–902 of this
12 article during the past 5 years;

13 (iv) The licensee has a test result indicating an alcohol
14 concentration of less than 0.15; and

15 (v) 1. The licensee is required to drive a motor vehicle in the
16 course of employment;

17 2. The license is required for the purpose of attending an
18 alcoholic prevention or treatment program;

19 3. The Administration finds that the licensee has no
20 alternative means of transportation available to or from the licensee's place of
21 employment and, without the license, the licensee's ability to earn a living would be
22 severely impaired; or

23 4. The Administration finds that the license is required
24 for the purpose of obtaining health care treatment, including a prescription, that is
25 necessary for the licensee or a member of the licensee's immediate family and the
26 licensee and the licensee's immediate family have no alternative means of
27 transportation available to obtain the health care treatment.

28 (2) In addition to the authority to modify a suspension or issue a
29 restrictive license under paragraph (1) or (4) of this subsection, the Administration
30 may modify a suspension under this section or issue a restrictive license, including a
31 restriction that prohibits the licensee from driving or attempting to drive a motor
32 vehicle unless the licensee is a participant in the Ignition Interlock System Program
33 established under § 16–404.1 of this title, if:

34 (i) The licensee did not refuse to take a test;

1 (ii) The licensee has not been convicted under § 21–902 of this
2 article;

3 (iii) The licensee has a test result indicating an alcohol
4 concentration of less than 0.15; and

5 (iv) The license is required for the purpose of attending:

6 1. A noncollegiate educational institution as defined in §
7 2–206(a) of the Education Article; or

8 2. A regular program at an institution of postsecondary
9 education.

10 (3) If the licensee refused to take a test or took a test that indicated an
11 alcohol concentration of 0.15 or more at the time of testing, the Administration may
12 not modify a suspension under this section or issue a restrictive license except as
13 provided under paragraph (4) of this subsection.

14 (4) (i) In addition to the authority to modify a suspension or issue
15 a restrictive license under subsection (b)(3)(vii) of this section or paragraph (1) or (2) of
16 this subsection, the Administration may modify a suspension under this section or
17 issue a restrictive license to a licensee as provided in this paragraph.

18 (ii) If the licensee refused to take a test or took a test that
19 indicated an alcohol concentration of 0.15 or more, the Administration may modify a
20 suspension under this section or issue a restrictive license if the licensee participates
21 in the Ignition Interlock System Program for 1 year.

22 (5) (i) If the Administration modifies a suspension or issues a
23 restrictive license under subsection (b)(3)(vii) of this section or paragraph (4) of this
24 subsection and the licensee does not successfully complete the licensee’s required
25 participation in the Ignition Interlock System Program, the Administration shall
26 summarily suspend the licensee’s driver’s license or driving privilege for the full period
27 of suspension specified in this section for the applicable administrative offense.

28 (ii) The Administration shall notify a licensee of a suspension
29 under this paragraph.

30 (iii) A licensee may request an administrative hearing on a
31 suspension imposed under this paragraph.]

32 **(N) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSEE:**

33 **(I) WHO TAKES A TEST THAT INDICATES AN ALCOHOL**
34 **CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15;**

1 **(II) WHOSE LICENSE HAS NOT BEEN SUSPENDED UNDER**
2 **THIS SECTION DURING THE PAST 5 YEARS; AND**

3 **(III) WHO HAS NOT BEEN CONVICTED UNDER § 21-902 OF**
4 **THIS ARTICLE DURING THE PAST 5 YEARS.**

5 **(2) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER**
6 **THIS SECTION OR ISSUE A RESTRICTIVE LICENSE IF THE ADMINISTRATION**
7 **FINDS THAT:**

8 **(I) THE LICENSEE IS REQUIRED TO DRIVE A MOTOR**
9 **VEHICLE IN THE COURSE OF EMPLOYMENT;**

10 **(II) THE LICENSE IS REQUIRED FOR THE PURPOSE OF**
11 **ATTENDING AN ALCOHOL PREVENTION OR TREATMENT PROGRAM;**

12 **(III) THE LICENSEE HAS NO ALTERNATIVE MEANS OF**
13 **TRANSPORTATION AVAILABLE TO OR FROM THE LICENSEE'S PLACE OF**
14 **EMPLOYMENT AND, WITHOUT THE LICENSE, THE LICENSEE'S ABILITY TO EARN A**
15 **LIVING WOULD BE SEVERELY IMPAIRED;**

16 **(IV) THE LICENSE IS REQUIRED FOR THE PURPOSE OF**
17 **OBTAINING HEALTH CARE TREATMENT, INCLUDING A PRESCRIPTION, THAT IS**
18 **NECESSARY FOR THE LICENSEE OR A MEMBER OF THE LICENSEE'S IMMEDIATE**
19 **FAMILY AND THE LICENSEE AND THE LICENSEE'S IMMEDIATE FAMILY HAVE NO**
20 **ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE TO OBTAIN THE HEALTH**
21 **CARE TREATMENT; OR**

22 **(V) THE LICENSE IS REQUIRED FOR THE PURPOSE OF**
23 **ATTENDING A NONCOLLEGIATE EDUCATIONAL INSTITUTION AS DEFINED IN §**
24 **2-206(A) OF THE EDUCATION ARTICLE OR A REGULAR PROGRAM AT AN**
25 **INSTITUTION OF POSTSECONDARY EDUCATION.**

26 **(O) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSEE WHO:**

27 **(I) REFUSED TO TAKE A TEST;**

28 **(II) TOOK A TEST THAT INDICATED AN ALCOHOL**
29 **CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING; OR**

30 **(III) TOOK A TEST THAT INDICATED AN ALCOHOL**
31 **CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15 AT THE TIME OF**
32 **TESTING AND WHO IS INELIGIBLE FOR A MODIFICATION OF A SUSPENSION OR**

1 ISSUANCE OF A RESTRICTIVE LICENSE UNDER SUBSECTION (N) OF THIS
2 SECTION.

3 (2) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER
4 THIS SECTION OR ISSUE A RESTRICTIVE LICENSE ONLY IF THE LICENSEE
5 PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR 1 YEAR.

6 (P) (1) IF THE ADMINISTRATION MODIFIES A SUSPENSION UNDER
7 THIS SECTION OR ISSUES A RESTRICTIVE LICENSE ON CONDITION THAT THE
8 LICENSEE PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM AND
9 THE LICENSEE DOES NOT SUCCESSFULLY COMPLETE THE PROGRAM, THE
10 ADMINISTRATION SHALL ~~SUMMARILY~~ SUSPEND THE LICENSEE'S DRIVER'S
11 LICENSE OR DRIVING PRIVILEGE FOR THE FULL PERIOD OF SUSPENSION
12 SPECIFIED IN THIS SECTION FOR THE APPLICABLE VIOLATION.

13 (2) THE ADMINISTRATION SHALL NOTIFY A LICENSEE OF A
14 SUSPENSION UNDER THIS SUBSECTION.

15 (3) A LICENSEE MAY REQUEST AN ADMINISTRATIVE HEARING ON
16 A SUSPENSION IMPOSED UNDER THIS SUBSECTION.

17 (4) IF A LICENSEE REQUESTS A HEARING UNDER THIS
18 PARAGRAPH, THE SUSPENSION SHALL BE STAYED PENDING THE DECISION AT
19 THE ADMINISTRATIVE HEARING.

20 16-404.

21 (c) (2) Subject to the provisions of paragraph (3) of this subsection, the
22 following suspension periods may apply to a suspension for an accumulation of points
23 under § 16-402(a)(25) of this subtitle for a violation of § 21-902(b) or (c) of this article
24 or a suspension imposed under [§ 16-404.1(b)(4)(iii)] **§ 16-404.1(E)(1)(III)** of this
25 subtitle:

26 (i) For a first conviction, not more than 6 months;

27 (ii) For a second conviction at least 5 years after the date of the
28 first conviction, not more than 9 months;

29 (iii) For a second conviction less than 5 years after the date of
30 the first conviction or for a third conviction, not more than 12 months; and

31 (iv) For a fourth or subsequent conviction, not more than 24
32 months.

1 (3) The Administration may issue a restrictive license for the period of
2 the suspension to an individual who participates in the Administration's Ignition
3 Interlock System Program under § 16-404.1 of this subtitle.

4 16-404.1.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "Approved service provider" means a person who is certified by:

7 (i) The Administration to service, install, monitor, calibrate,
8 and provide information on ignition interlock systems; and

9 (ii) A manufacturer to be qualified to service, install, monitor,
10 calibrate, and provide information on ignition interlock systems.

11 (3) "Manufacturer" means a person who manufactures ignition
12 interlock systems and who certifies that approved service providers are qualified to
13 service, install, monitor, calibrate, and provide information on ignition interlock
14 systems.

15 (4) "Participant" means a participant in the Ignition Interlock System
16 Program.

17 (5) "Program" means the Ignition Interlock System Program.

18 ~~(6) "TEST" HAS THE MEANING STATED IN § 16-205.1 OF THIS~~
19 ~~TITLE.~~

20 ~~(7) "TEST REFUSAL" MEANS A REFUSAL TO TAKE A TEST TO~~
21 ~~DETERMINE ALCOHOL CONCENTRATION UNDER § 16-205.1 OF THIS TITLE.~~

22 (b) (1) The Administration [may] **SHALL** establish an Ignition Interlock
23 System Program **IN ACCORDANCE WITH THIS SECTION.**

24 (2) The Administration [may] **SHALL** establish a protocol for the
25 Program by regulations that require certain minimum standards for all service
26 providers who service, install, monitor, calibrate, and provide information on ignition
27 interlock systems and include requirements that:

28 (i) A service provider who applies to the Administration for
29 certification as an approved service provider shall demonstrate that the service
30 provider is able to competently service, install, monitor, calibrate, and provide
31 information **TO THE ADMINISTRATION AT LEAST EVERY 30 DAYS** on **INDIVIDUALS**
32 **REQUIRED TO USE** ignition interlock systems;

1 (ii) A service provider who applies to the Administration for
2 certification as an approved service provider shall be certified by a signed affidavit
3 from the manufacturer that the service provider has been trained by an authorized
4 manufacturer and that the service provider is competent to service, install, monitor,
5 calibrate, and provide information on ignition interlock systems;

6 (iii) Approved service providers be deemed to be authorized
7 representatives of a manufacturer; and

8 (iv) Any service of notice upon an approved service provider, who
9 has violated any laws or regulations or whose ignition interlock system has violated
10 any laws or regulations, be deemed as service upon the manufacturer who certified the
11 approved service provider.

12 **[(3)] (C)** An individual may be a participant if:

13 **[(i)] (1)** The individual's license is suspended or revoked
14 **UNDER § 16-205 OF THIS TITLE** for a violation of § 21-902(a), (b), or (c) of this article
15 or **§ 16-404 OF THIS SUBTITLE FOR** an accumulation of points under § 16-402(a)(25)
16 or (34) of this subtitle;

17 **[(ii)]** The individual is ordered to participate in the Program by a
18 court under § 27-107 of this article;

19 **[(iii)] (2)** The individual's license has an alcohol restriction
20 imposed under ~~§ 16-113(b) or (g)~~ **§ 16-113(G)(1)** of this title; or

21 **[(iv)] (3)** The Administration modifies a suspension or issues a
22 restrictive license to the individual under **[§ 16-205.1(b)(3)(vii) or (n)(2) or (4)] §**
23 **16-205.1** of this title.

24 **(D) (1) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, AN**
25 **INDIVIDUAL SHALL BE A PARTICIPANT AS A CONDITION OF MODIFICATION OF A**
26 **SUSPENSION OR REVOCATION OF A LICENSE OR ISSUANCE OF A RESTRICTIVE**
27 **LICENSE IF THE INDIVIDUAL:**

28 **(I) IS REQUIRED TO BE A PARTICIPANT BY A COURT ORDER**
29 **UNDER § 27-101 OF THIS ARTICLE;**

30 **(II) IS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS**
31 **ARTICLE AND HAD AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF**
32 **0.15 OR MORE;**

1 (III) IS CONVICTED OF A VIOLATION OF § 21-902(A) OR (B)
2 OF THIS ARTICLE AND WITHIN THE PRECEDING 5 YEARS THE INDIVIDUAL HAS
3 BEEN CONVICTED OF ANY VIOLATION OF § 21-902 OF THIS ARTICLE; OR

4 (IV) WAS UNDER THE AGE OF 21 YEARS ON THE DATE OF A
5 VIOLATION BY THE INDIVIDUAL OF:

6 1. AN ALCOHOL RESTRICTION IMPOSED UNDER §
7 16-113(B)(1) OF THIS TITLE; OR

8 2. § 21-902(A), (B), OR (C) OF THIS ARTICLE.

9 (2) AN INDIVIDUAL WHO IS SUBJECT TO THIS SUBSECTION SHALL
10 PARTICIPATE IN THE PROGRAM FOR:

11 (I) 6 MONTHS THE FIRST TIME THE INDIVIDUAL IS
12 REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE PROGRAM;

13 (II) 1 YEAR THE SECOND TIME THE INDIVIDUAL IS
14 REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE PROGRAM; AND

15 (III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE
16 INDIVIDUAL IS REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE
17 PROGRAM.

18 (3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT LIMIT A
19 LONGER PERIOD OF PROGRAM PARTICIPATION THAT IS REQUIRED BY:

20 (I) A COURT ORDER UNDER § 27-107 OF THIS ARTICLE; OR

21 (II) THE ADMINISTRATION IN ACCORDANCE WITH ANOTHER
22 PROVISION OF THIS TITLE.

23 (4) IF AN INDIVIDUAL IS SUBJECT TO THIS SUBSECTION ~~BASED~~
24 ~~ON A PROPOSED LICENSE SUSPENSION UNDER THIS TITLE~~ AND THE INDIVIDUAL
25 FAILS TO PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY
26 COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND THE
27 INDIVIDUAL'S LICENSE FOR 1 YEAR.

28 ~~(5) NOTWITHSTANDING PARAGRAPH (4) OF THIS SUBSECTION, IF~~
29 ~~AN INDIVIDUAL IS SUBJECT TO THIS SUBSECTION BASED ON A PROPOSED~~
30 ~~LICENSE REVOCATION UNDER THIS TITLE AND THE INDIVIDUAL FAILS TO~~
31 ~~PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY COMPLETE THE~~
32 ~~PROGRAM, THE ADMINISTRATION SHALL REVOKE THE INDIVIDUAL'S LICENSE.~~

1 **(E) IF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS**
 2 **SECTION DOES NOT INITIALLY BECOME A PARTICIPANT:**

3 **(1) THE INDIVIDUAL MAY APPLY LATER TO THE ADMINISTRATION**
 4 **TO BE A PARTICIPANT; AND**

5 **(2) THE ADMINISTRATION MAY RECONSIDER ANY SUSPENSION**
 6 **OR REVOCATION OF THE DRIVER'S LICENSE OF THE INDIVIDUAL ARISING OUT**
 7 **OF THE SAME CIRCUMSTANCES AND ALLOW THE INDIVIDUAL TO PARTICIPATE**
 8 **IN THE PROGRAM.**

9 **~~[(4)]~~ ~~(E)~~ (F) (1)** The Administration may:

10 (i) Issue a restrictive license to an individual who is a
 11 participant in the Program during the suspension period as provided under [§
 12 16-404(c)(3)] **§ 16-205 OR § 16-205.1 OF THIS TITLE OR § 16-404** of this subtitle;

13 (ii) Reinstate the driver's license of a participant whose license
 14 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
 15 an accumulation of points under § 16-402(a)(34) of this subtitle for a violation of §
 16 21-902(a) of this article; and

17 (iii) Notwithstanding any other provision of law, impose on a
 18 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
 19 subtitle in lieu of a license revocation for:

- 20 1. A violation of § 21-902(a), (b), or (c) of this article; or
 21 2. An accumulation of points under § 16-402(a)(34) of
 22 this subtitle for a violation of § 21-902(a) of this article.

23 **~~[(5)]~~ (2)** A notice of suspension or revocation sent to an individual
 24 under this title shall include information about the Program and how [the individual
 25 can qualify for admission to] **INDIVIDUALS PARTICIPATE IN** the Program.

26 **~~[(6)]~~ (3)** The Administration [may] **SHALL** establish a fee for the
 27 Program **THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM.**

28 **~~(F)~~ (G)** **SUBJECT TO § 27-107(G)(2) OF THIS ARTICLE, THE**
 29 **ADMINISTRATION SHALL IMPOSE A RESTRICTION ON THE INDIVIDUAL'S**
 30 **LICENSE THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE**
 31 **THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE**
 32 **PERIOD OF TIME THAT THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE**
 33 **PROGRAM UNDER THIS SECTION.**

1 ~~[(c)]~~ ~~(G)~~ **(H)** [For purposes of § 16–404(c)(3) of this subtitle and subsection (d)
 2 of this section, a] **A** participant is considered to begin participation in the Program
 3 when the participant provides evidence of the installation of an ignition interlock
 4 system by an approved service provider in a manner required by the Administration.

5 ~~[(d)]~~ ~~(H)~~ **(I)** An individual whose license is suspended under § 16–404(c)(2)(iv)
 6 of this subtitle is a habitual offender whose license may not be reinstated unless the
 7 individual participates in the Program for at least 24 months.

8 ~~[(e)]~~ ~~(I)~~ **(J)** (1) For purposes of an ignition interlock system used under §
 9 16–205(f) of this title, this section, or a court order under § 27–107 of this article, the
 10 Administration shall permit only the use of an ignition interlock system that meets or
 11 exceeds the technical standards for breath alcohol ignition interlock devices published
 12 in the Federal Register from time to time.

13 (2) For purposes of an ignition interlock system used under this
 14 section, the Administration shall require the Program protocol adopted by the
 15 Administration.

16 ~~[(f)]~~ ~~(J)~~ **(K)** (1) An individual required to use an ignition interlock system
 17 under a court order **OR THIS SECTION:**

18 (i) Shall be monitored by the Administration; and

19 (ii) **[Shall] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF**
 20 **THIS SUBSECTION, SHALL** pay the fee required by the Administration under
 21 subsection ~~[(b)(6)]~~ ~~(E)~~ ~~(3)~~ **(F)(3)** of this section.

22 **(2) THE ADMINISTRATION SHALL WAIVE THE FEE REQUIRED**
 23 **UNDER THIS SUBSECTION FOR AN INDIVIDUAL WHO IS INDIGENT.**

24 ~~[(2)]~~ ~~(K)~~ **(L)** A court order that requires the use of an ignition interlock
 25 system is not affected by § 16–404(c)(3) of this subtitle.

26 ~~(L)~~ **(M)** **IF AN INDIVIDUAL PARTICIPATES IN THE PROGRAM UNDER**
 27 **SUBSECTION (D) OF THIS SECTION AND PARTICIPATES IN THE PROGRAM IN**
 28 **ACCORDANCE WITH ANY OTHER PROVISION OF THE MARYLAND VEHICLE LAW**
 29 **ARISING OUT OF THE SAME INCIDENT, THE PERIODS OF PARTICIPATION IN THE**
 30 **PROGRAM SHALL BE CONCURRENT.**

31 ~~(M)~~ **(N)** **IF AN INDIVIDUAL SUCCESSFULLY COMPLETES THE**
 32 **PROGRAM AND THE INDIVIDUAL’S LICENSE IS NOT REFUSED, REVOKED,**
 33 **SUSPENDED, OR CANCELED UNDER ANOTHER PROVISION OF THIS ARTICLE, THE**

1 ADMINISTRATION SHALL IMMEDIATELY ~~RETURN THE~~ ISSUE A LICENSE TO THE
2 LICENSEE.

3 (O) (1) IF THE ADMINISTRATION REMOVES AN INDIVIDUAL FROM
4 THE PROGRAM BECAUSE THE INDIVIDUAL VIOLATED REQUIREMENTS OF THE
5 PROGRAM, THE ADMINISTRATION MAY ALLOW THE INDIVIDUAL TO REENTER
6 THE PROGRAM AFTER A PERIOD OF 30 DAYS FROM THE DATE OF REMOVAL.

7 (2) IF AN INDIVIDUAL REENTERS THE PROGRAM UNDER THIS
8 SUBSECTION, THE INDIVIDUAL SHALL PARTICIPATE IN THE PROGRAM FOR THE
9 ENTIRE PERIOD OF TIME THAT WAS INITIALLY NECESSARY FOR SUCCESSFUL
10 COMPLETION OF THE PROGRAM WITHOUT ANY CREDIT FOR THE PERIOD OF
11 PARTICIPATION BEFORE THE INDIVIDUAL WAS REMOVED FROM THE PROGRAM.

12 (3) NOTHING CONTAINED IN PARAGRAPH (2) OF THIS
13 SUBSECTION LIMITS A PERIOD OF PARTICIPATION IN THE PROGRAM REQUIRED
14 UNDER ANY OTHER PROVISION OF THIS TITLE OR § 27-107 OF THIS ARTICLE.

15 21-902.

16 (a) (1) A person may not drive or attempt to drive any vehicle while under
17 the influence of alcohol.

18 (2) A person may not drive or attempt to drive any vehicle while the
19 person is under the influence of alcohol per se.

20 (b) (1) A person may not drive or attempt to drive any vehicle while
21 impaired by alcohol.

22 27-101.

23 (h) Any person who is convicted of a violation of any of the provisions of §
24 16-113(K) OF THIS ARTICLE (“IGNITION INTERLOCK SYSTEM PROGRAM
25 PARTICIPANT DRIVING VEHICLE WITHOUT IGNITION INTERLOCK”), § 16-303(a),
26 (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled, suspended,
27 refused, or revoked”), § 17-107 of this article (“Prohibitions”), or § 17-110 of this
28 article (“Providing false evidence of required security”) is subject to:

29 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
30 for not more than 1 year, or both; and

31 (2) For any subsequent offense, a fine of not more than \$1,000, or
32 imprisonment for not more than 2 years, or both.

33 27-107.

1 (b) In addition to any other penalties provided in this title for a violation of
 2 any of the provisions of § 21–902(a) of this article (“Driving while under the influence
 3 of alcohol or under the influence of alcohol per se”), or § 21–902(b) of this article
 4 (“Driving while impaired by alcohol”), or in addition to any other condition of
 5 probation, a court may prohibit a person who is convicted of, or granted probation
 6 under § 6–220 of the Criminal Procedure Article for, a violation of § 21–902(a) or §
 7 21–902(b) of this article from operating for not more than 3 years a motor vehicle that
 8 is not equipped with an ignition interlock system.

9 (g) (2) **(I) THIS PARAGRAPH DOES NOT LIMIT OR OTHERWISE**
 10 **AFFECT ANY PROVISION OF FEDERAL OR STATE LAW RELATING TO A HOLDER**
 11 **OF A COMMERCIAL DRIVER’S LICENSE.**

12 **(II)** If a person is required, in the course of the person’s
 13 employment, to operate a motor vehicle owned or provided by the person’s employer,
 14 the person may operate that motor vehicle in the course of the person’s employment
 15 without installation of an ignition interlock system if the court or the Administration
 16 has expressly permitted the person to operate in the course of the person’s
 17 employment a motor vehicle that is not equipped with an ignition interlock system.

18 **(III) THE ADMINISTRATION MAY ALLOW A PARTICIPANT IN**
 19 **THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS**
 20 **ARTICLE TO OPERATE IN THE COURSE OF THE PERSON’S EMPLOYMENT A**
 21 **MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON’S EMPLOYER THAT IS**
 22 **NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF THE PERSON**
 23 **PROVIDES INFORMATION ACCEPTABLE TO THE ADMINISTRATION REGARDING**
 24 **THE PERSON’S CURRENT EMPLOYMENT AND THE NEED FOR THE PERSON TO**
 25 **OPERATE THE MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT.**

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.